

10 MAR 1999

APPENDIX H

STRUCTURE AND FUNCTIONS OF THE PERSONNEL SECURITY APPEALS BOARD

1. The Department of the Navy Personnel Security Appeals Board (PSAB) is responsible for deciding appeals from Department of the Navy personnel of unfavorable personnel security determinations made by the Department of the Navy Central Adjudication Facility (DON CAF):

a. The PSAB will be comprised of three members at the minimum military grade of O-6 or civilian grade of GS-14.

b. One member of the board will have a security background and serve as the President of the Board. At least one member will be in the military grade of O-6. When necessary, the composition of the board will accommodate special circumstances by inclusion of one member reflecting the status of the appellant (e.g., one member will be of Senior Executive Service (SES) grade when the appellant is an SES employee, one member will be from the Marine Corps when the appellant is a Marine, etc.).

c. The President of the PSAB will ensure an attorney is available for all legal questions, guidance or opinions requested by the PSAB.

d. The President of the PSAB will appoint an Executive Director to administer operations of the PSAB.

e. Officials from the DON CAF will neither serve as a member of the board or communicate with board members concerning the merits of an open case.

f. The President of the PSAB will establish procedures to:

- (1) Hold monthly board meetings
- (2) Determine review procedures to be followed and
- (3) Handle other administrative matters.

g. Upon receipt of an appeal, the Executive Director will request the case file from the DON CAF, prepare case files and notify PSAB members.

h. Each case will be reviewed in advance of the PSAB meeting by all three PSAB members. The decision will be based solely on the written record. Hearings will not be held and there will be

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no personal presentation before the PSAB. PSAB sitting members will not engage in ex parte communications with appellants or their representatives.

i. The PSAB will act in formal meetings, and its decision will be based on a majority of the votes cast. Only sitting PSAB members may vote on an appeal. The vote results will be recorded by the Executive Director at the time the vote is rendered.

j. The appellant will be notified of the PSAB decision via his/her commanding officer. The DON CAF will be notified of the PSAB decision and may be directed to grant or restore security clearance and or SCI access eligibility. The DON CAF will retain the completed case file including the PSAB decision letter. A copy of the PSAB decision will also be forwarded to SSO Navy or COMNAVSECGRU, as appropriate and BUPERS for Navy military members, or CMC (CIC) for Marine Corps military members.

k. The appellant will generally be notified of the PSAB decision within 5 days of the board meeting. The written notification will provide the reasons that the PSAB either sustained or overturned the original determination of the DON CAF. The PSAB determination is final and will conclude the appeal process.

2. The PSAB will maintain a redacted file of all decisions which will be subject to review in accordance with the Freedom of Information Act.